

UNITED STATES DISTRICT COURT

for the
District of Arizona

10/23/17
MTA
United States of America)

v.)

Miguel Alcada-Ibarra,)
a.k.a.: Miguel Alcala-Ibarra,)
(A 087 913 634))

Defendant)

Case No. 17-464 MT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of October 23, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), a felony, and Title 8, U.S.C. § 1325(a)(2) a class B misdemeanor, an offense described as follows:

See Attachment A Incorporated By Reference Herein


I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Ryan Powell

☒ Continued on the attached sheet.



Complainant's signature

Steven T. Case,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: October 24, 2017


Judge's signature

City and state: Phoenix, Arizona

Michelle H. Burns,
United States Magistrate Judge

Printed name and title

ATTACHMENT A

Count 1

On October 23, 2017, Miguel Alcada-Ibarra, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Luis, Arizona, on or about May 15, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), a felony.

Count 2

On October 23, 2017, at or near Phoenix, in the District of Arizona, Miguel Alcada-Ibarra, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2), a class B misdemeanor.

STATEMENT OF PROBABLE CAUSE

I, Steven T. Case, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On October 23, 2017, immigration officers were performing at-large apprehension duties as a part of Operation Cross Check, and arrested Miguel Alcada-Ibarra during a vehicle stop near 59th Avenue and Oregon Avenue, in Phoenix, Arizona. Alcada-Ibarra was interviewed by immigration officers who determined him to be a Mexican citizen, illegally present in the United States. Alcada-Ibarra was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Miguel Alcada-Ibarra to be a citizen of Mexico and a previously deported criminal alien. Alcada-Ibarra was removed from the United States to Mexico at or near San Luis, Arizona, on or about May 15, 2012, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Alcada-Ibarra in any Department of Homeland Security

database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Alcada-Ibarra's immigration history was matched to him by electronic fingerprint comparison.

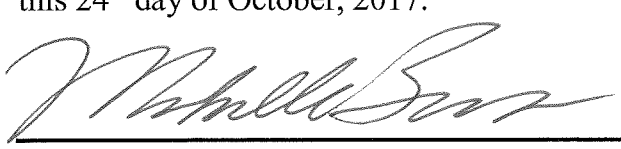
4. Furthermore, there is no record of Miguel Alcada-Ibarra in any Department of Homeland Security database to suggest that after his last removal from the United States he entered the United States at an official Port of Entry. Had Alcada-Ibarra presented himself at a Port of Entry, Department of Homeland Security records likely would reveal that information. Accordingly, your affiant believes that Alcada-Ibarra entered the United States at a location not designated as an official Port of Entry, and thereby eluded examination and inspection by Immigration Officers of the United States. Alcada-Ibarra's immigration history was matched to him by electronic fingerprint comparison.
5. On October 23, 2017, Miguel Alcada-Ibarra was advised of his constitutional rights. Alcada-Ibarra freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about October 23, 2017, Miguel Alcada-Ibarra, an alien, was found in the United

States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Luis, Arizona, on or about May 15, 2012, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a) and on or about October 23, 2017, at or near Phoenix, in the District of Arizona, Miguel Alcada-Ibarra, an alien, did elude the examination or inspection by immigration officers in violation of Title 8, United States Code, Section 1325(a)(2).



Steven T. Case,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 24th day of October, 2017.



Michelle H. Burns,
United States Magistrate Judge